



Anti-Bribery Policy

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ANTI BRIBERY POLICY

Ardenglen Housing Association can provide this procedure on request, in large print, in Braille, on tape or in other non-written format, and in a variety of languages.

1. INTRODUCTION

- 1.1 Ardenglen Housing Association (Ardenglen) is committed to the highest standards of openness, probity and accountability.
- 1.2 Regulatory Standard 5 states that an RSL must “*conduct its affairs with honesty and integrity*” To ensure this, the Association has clear policy and procedures in place which make sure the organisation acts with transparency, honesty and propriety and avoids any public perception of improper conduct.
- 1.3 Ardenglen acknowledges the provisions of the Bribery Act 2010 and aims to maintain compliance with this as part of its everyday business. It recognises that failure to do so is likely to seriously damage the reputation of the organisation and the housing association sector as a whole. Ardenglen may also face criminal liability for unlawful actions taken by its employees or associated persons.
- 1.4 Ardenglen is therefore also committed to avoiding working with other organisations or individuals who do not commit to doing business without bribery.

2. POLICY STATEMENT

- 2.1 ***Ardenglen will always carry out its business transparently and fairly and will operate a zero tolerance policy towards bribery by its employees, committee members, contractors, agents and other associated persons. Breaches of this policy are likely to constitute a serious disciplinary, contractual and/or criminal action for the individual(s) concerned.***

3. THE BRIBERY ACT 2010 (“the Act”)

- 3.1 The Act came into force in 1 July 2011 and it applies to Ardenglen.
- 3.2 The Act contains four principle bribery offences:
 - Bribing someone to encourage or reward “improper performance” of a function or activity – this includes offering, promising or actually giving a bribe
 - Being bribed resulting in an activity or function being “improperly performed”. This includes requesting, agreeing to receive, or receiving a bribe

- Bribing a foreign public official
- The corporate offence (see 3.4 below)

3.3 A bribe is defined in the Act as: ***“a gift or reward given, offered or received to gain any business, commercial or personal advantage”***

3.4 The corporate offence

3.4.1 The Act introduces a strict liability offence for commercial organisations where somebody associated with an organisation (including committee members, employees, agents or sub-contractors) commits an act of bribery to obtain or retain business or a business advantage

3.4.2 Strict liability means that Ardenglen may be liable in law without the finding of fault. At court, it need only be proved that a bribe was made by someone associated with Ardenglen with the intention of giving the Association a business advantage, whether or not the Association encouraged such action or was aware of it. The responsibilities of the Act therefore need to be taken extremely seriously.

3.5 Penalties

3.5.1 Prosecution under the Act could result in Ardenglen receiving an unlimited fine and potentially becoming debarred from tendering for public contracts.

3.5.2 Breaches of the Act could also lead to penalties for Ardenglen’s senior officers with whose “consent or connivance” bribery was committed. Individuals can be found guilty of bribery and, in the most serious cases, be liable on conviction to imprisonment for up to 10 years, to a fine, or both.

3.5.3 In addition, individuals could be liable for bribing, receiving a bribe or bribing a foreign official. Again, such individuals could be liable on conviction to imprisonment for up to 10 years, to a fine, or both.

3.6 Adequate procedures – the six management principles

3.6.1 There is a defence to the corporate offence if Ardenglen can show it had “adequate procedures” in place designed to prevent bribery.

3.6.2 The Ministry of Justice has issued guidance which sets out six broad management principles to assist organisations to put in place proper anti-bribery procedures

3.6.3 Ardenglen will follow these principles to show that it committed to eliminating bribery within the Association

3.6.4 The six management principles Ardenglen needs to follow are:

1. **Proportionality:** anti-bribery policies and procedures should be proportionate to the activities and size of the Association, the sector in which it operates and the risks it faces
2. **Top level commitment:** establishing a clear culture within Ardenglen in which bribery is unacceptable
3. **Risk assessment:** understanding and keeping up to date with the bribery risks it faces by carrying out regular and comprehensive risk assessments
4. **Due diligence:** the Association needs to know about who it does business with, who it's paying money to and why – and make sure Ardenglen's partners also have reciprocal anti-bribery agreements in place
5. **Communication:** ensure that anti-bribery policies are embedded in the Association culture and that every employee, committee member and business partner know the procedures to follow.
6. **Monitoring and review:** through audit and other internal controls the Association must monitor its anti-bribery procedures to prevent and detect bribery and to make sure procedures are working.

3.6.5 This Policy is designed to address these six principles and to compliment the other procedures the Association has in place to avoid bribery and corruption such as the Gifts and Hospitality Policy.

3.7 Application of the Policy

3.7.1 Ardenglen will apply the principles set out this Policy fairly, openly and transparently

3.7.2 The Policy applies to all employees, shareholders and committee members of Ardenglen and its subsidiaries. The Association will also apply the provisions of the Policy to all individuals and organisations having a relationship with Ardenglen, including contractors, agents and consultants.

3.7.3 All the parties listed above are required to familiarise themselves with this Policy and the processes and procedures contained within it and to make sure they follow it at all times throughout their relationship with Ardenglen.

3.7.4 Section 6 sets out how breaches of this Policy will be dealt with.

4. EXAMPLES OF BRIBERY

4.1 The following list contains some examples of acts which should set alarm bells ringing and which should be reported to the Director or Chairperson of the Management Committee. These are to give you examples of the sort of

behaviour which is unacceptable and which could have serious consequences:

- You learn that one of the contractors you regularly deal with has a reputation for paying bribes or requiring the payment of bribes
- A supplier asks you to provide an invoice or receipt when no money is payable or has been paid
- A supplier insists on being paid in cash and/or refuses to sign a formal agreement
- A contractor offers to pay you cash to provide employment for a friend or relative
- You notice that we have been invoiced for a payment which seems large given the service/goods which have been provided
- You are offered an unusually generous gift or lavish hospitality
- You are offered substantially discounted fees for supply of goods to you as a private person
- You are offered a payment in cash if a contract is awarded to the contractor/supplier

5. SPECIFIC REQUIREMENTS

5.1 Gifts and Hospitality

5.1.1 Ardenglen operates to strict procedures governing the giving and receiving of corporate entertainment, gifts, hospitality and promotional expenditure. These are detailed as part of the Gifts and Hospitality procedures and include clearly defined authorisation, recording and registering processes.

5.1.2 In all cases, gifts and hospitality must not be offered, promised or accepted to secure an advantage for Ardenglen or any of its employees or associated persons or to influence the impartiality of the recipient.

5.2 Charitable Donations

5.2.1 Ardenglen considers that sponsorships and donations can form part of its wider commitment and responsibility to the communities where it operates. The Charitable Donations Policy details the approach it will adopt in relation to this. This includes clearly defined authorisation, recording and registering processes.

5.3 Political Donations

5.3.1 Ardenglen does not make or receive political donations.

5.4 Expenses

- 5.4.1 Any expenses claims must be made in accordance with the Committee Expenses Policy, or for staff, in accordance with the conditions of service.

5.5 Procurement of Goods or Services

- 5.5.1 Ardenglen has clear procedures for the procurement of all goods and services which should be strictly followed. These include specific references to bribery and corruption to ensure procurement is at all times open and transparent.

6. BREACHES

- 6.1 The prevention, detection and reporting of bribery and other forms of corruption is the responsibility of all staff members. Employees are required to ensure they read, understand and comply with this policy, and remain vigilant to bribery or attempted bribery, within their respective areas of work.
- 6.2 If you believe or suspect that a breach of this Policy has taken place, or may occur in the future – for example if a contractor offers you something in return for business – you must notify the Director or Chairperson immediately
- 6.3 You must tell the Director or Chairperson if you are ever offered a bribe, suspect that this may happen in the future or if you think you are a victim of another form of unlawful activity.
- 6.4 You must tell the Director or Chairperson if you have any concerns or suspicions that any of your colleagues may be involved in bribery or corruption at the earliest opportunity. Alternatively, if you are not comfortable in doing this, you should raise your concerns or suspicions following the procedure set down in Ardenglen's Whistle blowing Policy
- 6.5 Ardenglen encourages openness and will support you if you raise genuine concerns (even if they later turn out to be mistaken). The Association wants to ensure no one suffers detrimental treatment (including disciplinary action or dismissal, threats, bullying etc) because of such reporting or because of a refusal to take a bribe. If you feel you have suffered such treatment contact the Director or Chairperson immediately

7. DEALING WITH BREACHES

- 7.1 This Policy is crucial to Ardenglen's ability to meet its legal requirements and accordingly the Association will treat any breach of the Anti-Bribery Policy very seriously indeed.
- 7.2 Any alleged breach of the Policy will be investigated by the Association
- 7.3 A breach of the Policy by an employee will be treated as a disciplinary matter under the contract of employment and appropriate sanctions applied, which may include instant dismissal. An investigation into any allegation of such a

breach made against an employee will be conducted in accordance with the disciplinary procedures contained in the conditions of employment.

- 7.4 A breach of the Policy by a committee member will be treated as a breach of the duties and obligations to the Association. An investigation into any allegation of such a breach made against a committee member will be conducted in accordance with the Association's relevant policies for such investigations and an appropriate sanction may be applied in accordance with the Association's Committee Members Code of Conduct, Standing Orders and the Rules of Ardenglen Housing Association. This may lead to the removal of the Member from the Management Committee.
- 7.5 Where Ardenglen discovers bribery has taken place, it will make a full disclosure of this to the Serious Fraud Office or Police Scotland and co-operate fully in any investigation carried out by these agencies.
- 7.6 The discovery of bribery is Notifiable Event to the Scottish Housing Regulator and the appropriate procedures should be followed for providing formal notification.

8. TRAINING

- 8.1 The Association through its Internal Management Plan is committed to training and developing staff and committee members to their full potential in order to deliver a high quality of service in all areas of its business.
- 8.2 The Management Committee induction programme includes an overview of this policy, including responsibilities for the promotion and delivery of openness and confidentiality as relevant to their job descriptions. Committee members will receive updates on these issues and specific training as required.

9. EQUALITIES AND DIVERSITY

- 9.1 This policy will be implemented in line with our Equality and Diversity Policy and is subject to an Equality Impact Assessment to assess the likely or actual effects of the policy to our customers in respect of their disability, age, gender, race, religion/belief, sexual orientation or gender identity to ensure equal and fair access for all.

10. MONITORING AND REPORTING

- 10.1 The Association will use appeals, complaints, comments or suggestions from users of this policy to monitor its effectiveness. These will also be used to prompt a review of the policy where necessary.

11. REVIEW

- 11.1 This Policy will be approved by the Management Committee. It will be reviewed every three years unless amendment is prompted by a change in

legislation, or monitoring and reporting reveals that a change in Policy is required sooner.

12. DISTRIBUTION

12.1 This policy will be made available to every employee and committee member and will be made freely available to any tenant or interested party.

13. LEGAL FRAMEWORK

- Public Interest Disclosure Act 1998
- Enterprise & Regulatory Act 2013
- The Bribery Act 2010
- Rules of Ardenglen Housing Association

14. RELATED POLICIES

- Standing Orders
- Control of Payments & Benefits
- Governing Body Expenses Policy
- Gifts and Hospitality Policy
- Procurement Policy
- Complaints Policy
- Charitable Donations Policy
- Anti-Fraud Policy
- Conflict of Interest Policy
- Notifiable Events
- Financial Regulations
- Whistleblowing Policy
- Codes of Conduct
- Terms and Conditions of Employment

--- END OF POLICY ---